

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DENEAL F. FISHER,

Plaintiffs

v.

AEROTEK, INC.,

Defendant

CIVIL NO. JKB-11-1355

* * * * *

MEMORANDUM AND ORDER

The Court has reviewed the filing by Plaintiffs entitled, “Line of Dismissal as to Counts 3, 4, 5, and 6 of the Amended Complaint for Damages” (ECF No. 36). Plaintiffs seem to be attempting, by way of this document, the voluntary dismissal of some of their counts in this six-count complaint. They have cited no authority for this course of action. A voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1) applies to dismissal of entire actions, as is evident from the wording of the rule. It does not apply to dismissal of individual counts. The proper course of action is for Plaintiffs to seek leave to amend under Rule 15(a). *See also Tenenbaum v. PNC Bank National Assoc.*, Civ. No. DKC-10-2215, 2011 WL 2038550, at *8 (D. Md. May 24, 2011); *Shilling v. Northwestern Mut. Life Ins. Co.*, 423 F. Supp. 2d 513, 518 & nn. 8, 13 (D. Md. 2006).

Accordingly, the document filed by Plaintiffs shall be deemed a motion for leave to amend their complaint, and Defendant shall be entitled to respond on or before November 28, 2011.

SO ORDERED.

DATED this 10th day of November, 2011.

BY THE COURT:

/s/

James K. Bredar
United States District Judge